

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
DEBBIE ANN WANNER	:	VIOLATIONS:
	:	33 U.S.C. 1319(c)(4)(Clean Water Act
		violations - 3 counts)
		18 U.S.C. 2 (aiding and abetting)

INFORMATION

COUNTS ONE THROUGH THREE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times relevant to this information:

1. Michael J. McKenna (charged in a separate indictment) was the president, laboratory director and owner of Blue Marsh Laboratories, Inc. ("Blue Marsh") (charged in a separate indictment), located at 1605 Benjamin Franklin Highway, Douglassville, Pennsylvania, in the Eastern District of Pennsylvania. Michael McKenna and Blue Marsh were engaged in the business of providing analytical testing of environmental samples, including water and wastewater samples in order to determine the amounts of pollutants and levels of other chemicals present in the water. Michael McKenna and Blue Marsh provided environmental testing services and reports to numerous customers including federal agencies, local municipalities and business entities required to comply with environmental laws pursuant to United States Environmental Protection Agency ("EPA") and Pennsylvania Department of Environmental Protection ("PA

DEP”) regulations. Following the analytical testing, Michael McKenna caused Blue Marsh and defendant DEBBIE ANN WANNER to prepare, send and mail environmental test reports to customers.

2. Defendant DEBBIE ANN WANNER was employed at Blue Marsh from approximately September, 2001 through December, 2007 as laboratory manager, whose duties included the review and preparation of data to be included in various environmental testing reports prior to their delivery to customers, and the review of laboratory standard operating procedures and the comparison of them to approved EPA procedures.

3. Defendant DEBBIE ANN WANNER knew and understood that Blue Marsh customers relied upon Michael McKenna, Blue Marsh and defendant WANNER and their representations of expertise and experience in performing environmental testing and analysis, and providing truthful and accurate environmental test reports so that they could comply with environmental laws and regulations including, but not limited to, the Clean Water Act (“CWA”).

4. Defendant DEBBIE ANN WANNER knew and understood that Blue Marsh customers were required to report certain environmental test results to the PA DEP, under authority delegated to it from EPA, and sometimes were required to include these test results in an annual report to EPA. These environmental tests included testing various water samples for cyanide, dioxin, and other pollutants and chemicals pursuant to approved EPA Methods.

5. Defendant DEBBIE ANN WANNER caused false and fraudulent environmental test reports to be prepared and sent to customers knowing that the required methods of analysis were not being followed for customers according to approved EPA methods. These reports falsely stated that the proper EPA methods for analysis were being performed despite the fact that

defendant WANNER knew that the EPA Methods for testing and analysis were not being followed and that the results were fraudulent, inaccurate and unreliable.

6. Defendant DEBBIE ANN WANNER knew that the lab did not have certain necessary equipment in operating condition, nor the proper materials and supplies, to properly perform various EPA Methods for analysis and testing. Defendant WANNER repeatedly told Michael McKenna about the faulty laboratory instruments and equipment, and lack of required materials and supplies, yet despite this, defendant WANNER, and other Blue Marsh employees, were directed by Michael McKenna to get the analyses and tests done anyway, and send them out to the customers.

Upper Merion Township/Industrial Pre-Treatment Program

From in or about June 2006, through in or about August 2006:

7. Defendant DEBBIE ANN WANNER, Michael McKenna and Blue Marsh prepared and sent false and fraudulent water test results, and tampered with a method required to be maintained under the Clean Water Act, required by their customers for testing of water samples from three separate companies (Elan Pharmaceutical Research Corp., Merck and Company, and Hope's Country Fresh Cookies), which were Industrial Pre-Treatment Program permit holders for Upper Merion Township and which needed testing for various pollutants, including but not limited to, Total Suspended Solids ("TSS") pursuant to EPA Method 160.2, to test for the total amount of solids which are not soluble in water and determine whether the water contained excess solids which may be harmful to fish and other organisms in the water, ammonia, pursuant to EPA Method 350.3, cyanide, pursuant to EPA Method 335.2, and dioxin, pursuant to EPA Method 625. Defendant WANNER knew that these customers were required

to report these results to Upper Merion Township pursuant to its Industrial Pre-Treatment Program permits. Defendant WANNER also knew that Upper Merion Township was required to report truthful and accurate results of these tests to EPA pursuant to its National Pollutant Discharge Elimination System ("NPDES") permit.

8. Defendant DEBBIE ANN WANNER knew that Blue Marsh did not have the necessary equipment in operating condition, nor the proper materials and supplies to perform ammonia, TSS, cyanide and dioxin environmental testing and analyses according to EPA methods 160.2, 350.3, 335.2 and 625, yet prepared and sent these environmental test reports to customer Upper Merion Township, who defendant WANNER knew was required to report truthful and accurate results of these tests to EPA pursuant to its Industrial Pre-Treatment Program permit.

9. Defendant DEBBIE ANN WANNER falsely stated in these environmental test reports that Blue Marsh followed and used EPA Method 160.2 for TSS analysis, EPA Method 350.3 for ammonia, EPA Method 335.2 for cyanide, and EPA Method 625 for dioxin analysis, when in fact, she knew that Blue March was not following the EPA Methods as stated in the reports.

10. Defendant DEBBIE ANN WANNER concealed the true facts from customers that Blue Marsh did not, in fact, follow the approved EPA Methods stated in the environmental test reports.

Gloucester County Utilities Authority ("GCUA")

From in or about April 2006, through in or about July 2006:

11. Defendant DEBBIE ANN WANNER prepared and sent false and fraudulent water test results required by Blue Marsh customer Gloucester County Utilities Authority (hereafter "GCUA"). Defendant WANNER knew that GCUA was required to report truthful and accurate results of these tests to EPA pursuant to its NPDES permit, for testing of water samples at its wastewater treatment facility for various chemicals, including but not limited to, ammonia, pursuant to EPA Method 350.3, and TKN, pursuant to EPA Method 351.3, to test for the total amount of nitrogen in the water and determine whether water contained excess nitrogen which may be harmful to fish and other organisms in the water.

12. Defendant DEBBIE ANN WANNER knew that Blue Marsh did not have the necessary equipment in operating condition, nor the proper materials and supplies to perform testing for ammonia, pursuant to EPA Method 350.3, and TKN, pursuant to EPA Method 351.3.

13. Defendant DEBBIE ANN WANNER falsely stated in these environmental test reports that Blue Marsh followed and used EPA Method 350.3 for ammonia analysis, and EPA Method 351.3, to test TKN to determine the total amount of nitrogen in the water and whether the water contained excess nitrogen which may be harmful to fish and other organisms in the water, when in fact, defendant WANNER knew that Blue Marsh was not following the EPA Methods as stated in the reports.

The Upper Moreland/Hatboro Joint Sewer Authority

14. The Upper Moreland/Hatboro Joint Sewer Authority (UMHJSA) operated an EPA-approved pretreatment program for industrial users in accordance with the Clean Water Act, pursuant to its NPDES permit issued by PA DEP, under delegated authority from the EPA.

15. Pursuant to the NPDES permit, UMHJSA was required to monitor and test water samples for influent (upstream), final effluent and sludge which was being discharged from the wastewater treatment plant into the Pennypack Creek. The NPDES permit required testing for Total Suspended Solids ("TSS") pursuant to EPA Method 160.2, to test for the total amount of solids which are not soluble in water and determine whether the water contained excess solids which may be harmful to fish and other organisms in the water, cyanide, pursuant to EPA Method 335.2, ammonia, pursuant to EPA Method 350.3, and dioxin, pursuant to EPA Method 625.

16. From in or about September 2005 through in or about August 2006, defendant DEBBIE ANN WANNER prepared and submitted false and fraudulent environmental test reports, and tampered with a method required to be maintained under the Clean Water Act, to Blue Marsh customer UMHJSA for environmental test results for analyses of water samples, which it was required by law to report to EPA pursuant to its Industrial Pre-Treatment Program under its NPDES permit, for testing of water samples for various pollutants, including but not limited to, TSS, pursuant to EPA Method 160.2, cyanide, pursuant to EPA Method 335.2, ammonia, pursuant to EPA Method 350.3, and dioxin, pursuant to EPA Method 625.

17. Defendant DEBBIE ANN WANNER falsely stated in these environmental test reports that Blue Marsh followed and used EPA Method 160.2 for TSS, EPA Method 335.2 for

cyanide, EPA Method 350.3 for ammonia, and EPA Method 625 for dioxin analysis, when, in fact, defendant WANNER knew that Blue Marsh was not following the EPA Methods as stated in the reports.

18. From in or about September 2005 through in or about August 2006, defendant DEBBIE ANN WANNER concealed the true facts from customer UMHJSA that the defendants did not, in fact, follow the approved EPA Methods stated in the environmental test reports.

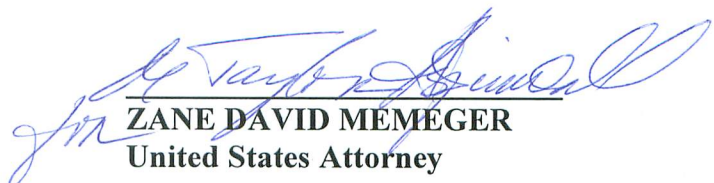
19. On or about the dates listed below, in the Eastern District of Pennsylvania, and elsewhere, defendant

DEBBIE ANN WANNER

knowingly made, and caused to be made, and aided and abetted the making of, a false material statement in a report, record and document required to be filed under the Clean Water Act, and the regulations promulgated thereunder, and further knowingly tampered with, and caused to be tampered with, falsified and rendered inaccurate, a monitoring method required to be maintained under the Clean Water Act, that is, failing to use approved EPA Methods but falsely stating in environmental test reports that the Methods were in fact used and followed:

<u>COUNT</u>	<u>DATE</u>	<u>BLUE MARSH CUSTOMER</u>	<u>FALSE STATEMENT</u>
1	July 5, 2006	Gloucester County Utilities Authority (GCUA)	Certificate of Analysis, dated 7/5/06, Laboratory ID# 49711-1, for ammonia by EPA Method 350.3 and TKN by EPA Method 351.3
2	July 6, 2006	Upper Merion/Elan Pharmaceuticals	Certificate of Analysis, dated 7/6/06, Laboratory ID# 49917-1, for ammonia by EPA Method 350.3, TSS by EPA Method 160.2 and cyanide by EPA Method 335.2
3	August 7, 2006	Upper Moreland/Hatboro Joint Sewer Authority (UMHJSA)	Certificate of Analysis, dated 8/7/06, Laboratory ID# 50582-1, for ammonia by EPA Method 350.3 and TSS by EPA Method 160.2

All in violation of Title 33, United States Code, Section 1319(c)(4) and Title 18,
United States Code, Section 2.


ZANE DAVID MEMEGER
United States Attorney